

United States District Court

SEP 13 2005

MIDDLE**DISTRICT OF****ALABAMA****CLERK****U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.**

UNITED STATES OF AMERICA

v.

LUIS F. ACOSTA-VAZQUEZ and
JULIO CESAR MOSQUERA**CRIMINAL COMPLAINT**CASE NUMBER: **2:05mj112-B**

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 12, 2005, in Montgomery county and elsewhere within the Middle District of Alabama defendant(s) did, (Track Statutory Language of Offense) knowingly and intentionally possessed with intent to distribute cocaine, a Schedule II Controlled Substance in violation of Title 21 United States Code, Section(s) 841(a)(1). I further state that I am a(n) ABI Special Agent and that this complaint is based on the following facts:
 Official Title

SEE ATTACHED AFFIDAVIT WHICH IS INCORPORATED BY REFERENCE

Continued on the attached sheet and made a part hereof:

 Yes No


 Signature of Complainant

Sworn to before me and subscribed in my presence,

September 13, 2005

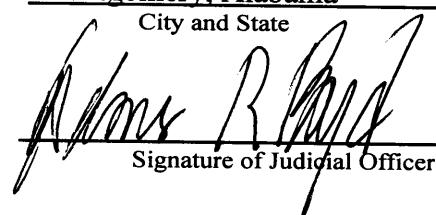
Date

at Montgomery, Alabama

City and State

DELORES R. BOYD, U. S. Magistrate Judge

Name & Title of Judicial Officer


 Signature of Judicial Officer
SCANNED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
MONTGOMERY, ALABAMA

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

I, Robert Thornton, having appeared before the undersigned United States Magistrate, and having been duly sworn, do hereby depose and states:

I am employed as an agent with the Alabama Department Bureau of Investigation (“ABI”), stationed in Montgomery, Alabama. I have been employed with the Department of Public Safety, as a state trooper and an agent, for approximately 20 years, during which time I have investigated numerous criminal violations of the federal and state laws. I am currently assigned to the High Intensity Drug Trafficking Area (HIDTA) Task Force in Montgomery, Alabama as a Task Force Officer. My primary duties at HIDTA are to investigate violations of federal narcotics laws in the Montgomery, Alabama area.

The information contained in this affidavit is a combination of this affiant’s personal knowledge of this investigation, the knowledge of other duly sworn law enforcement officers/agents and information obtained from records.

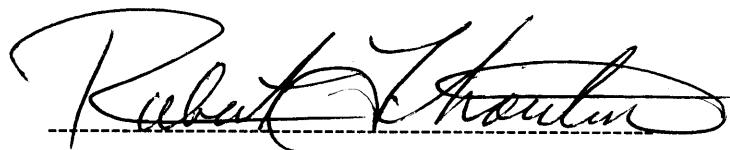
On Monday, September 12, 2005, at approximately 9:55 pm, Alabama State Trooper Andy Sutley was conducting routine traffic patrol on I-85 north in Montgomery County, Alabama. Trooper Sutley stopped a white Mitsubishi Galant traveling northbound on I-85 at the 7 mile marker for following too close and no tag light. The vehicle was driven by Luis F. ACOSTA-VAZQUEZ, Hispanic male, of Houston, Texas. Traveling as a passenger in the vehicle was Julio Cesar MOSQUERA, Hispanic male, of Houston, Texas. Trooper Sutley obtained verbal and written consent to search the vehicle. A subsequent search of the vehicle revealed a concealed compartment located under the console area between the front seats. Contained inside of the concealed compartment were two (2) bundles individually wrapped inside of brown tape, both containing a white powder substance believed to be cocaine. Also contained inside of the compartment was a large sum of an undetermined amount of U.S. currency and an opened Snickers candy bag containing a quantity of a green plant matter believed to be marijuana.

ACOSTA-VAZQUEZ and MOSQUERA along with the vehicle were transported to the Montgomery HIDTA office where a more thorough search of the vehicle could be conducted. The drug evidence along with the currency was relinquished to the custody of TFO Robert Thornton by Trooper Sutley at 12:20 am, on Tuesday, 09/13/2005. A field test was conducted on a portion of one of the bundles by TFO Thornton, and it tested “positive” for the presence of cocaine. The total weight of both bundles was approximately 4.6 pounds. The total weight of the marijuana contained inside of the Snickers candy bag was approximately 24.7 grams. During the search of ACOSTA-VAZQUEZ a small quantity of a green plant matter believed to be marijuana (approximately 1.06 grams) was located on the person (right front pants pocket) of

ACOSTA-VAZQUEZ. The total amount of assorted U. S. currency contained inside of the concealed compartment with the drug evidence was \$32,863.00.

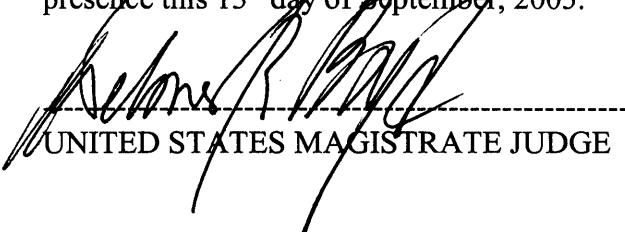
ACOSTA-VAZQUEZ and MOSQUERA were advised of their rights by TFO Thornton and TFO Francisco Aponte. Both individuals declined to give statements regarding the drug evidence or currency located in the vehicle.

Based on the experience and training of your affiant, it is his belief that probable cause exists to arrest Luis F. ACOSTA-VAZQUEZ and Julio Cesar MOSQUERA for violations of Title 21, United States Code, Section 841 (a)(1), Possession with Intent to Distribute Cocaine. Further, that the events occurred within the Middle District of Alabama.



ROBERT THORNTON
AGENT
ALABAMA BUREAU OF INVESTIGATION

Sworn to before me and subscribed in my presence this 13th day of September, 2005.



UNITED STATES MAGISTRATE JUDGE